

Applicants: Guerrero et al.
Serial No.: 10/808,734
Examiner: Matthew D. Matzek
Art Unit: 1771

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REMARKS

Applicant respectfully requests reconsideration of the pending claims. Applicants affirm the provisional election and cancel claims 47-64, 66-83 and 92-94 herein without prejudice or disclaimer. In addition, claims 1-7, 12-14, 18-19, 32-34, 37-38, 65, 84 and 95 have been cancelled without prejudice, claims 8, 15-16, 20-22, 26, 28, 35, 39-41, 45, 85-87 and 89-90 have been amended and claims 96-98 have been added.

Claim Objections

Claims 65, 84 and 95 were objected to because the claims were dependent upon withdrawn claims 47, 66 and 92, respectively. Claims 65, 84 and 95 have been cancelled herein without prejudice.

35 U.S.C. § 103 Rejections

Claims 1-19, 22-24, 26, 28-38, 41, 43, 45, 65, 84-89, 91 and 95 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2005/0186873 issued to Wang et al. ("Wang") in view of U.S. Patent No. 6,607,994 issued to Soane et al. ("Soane"). Amended claims 8, 28 and 85 include, among other things, a chemical composition comprising a fluoroalkyl acrylate copolymer having a concentration ranging from about 4.5% to about 9% by weight of the chemical composition, a pore resistance composition having a concentration ranging from about 0.46 to about 0.65 parts by weight for each part of the fluoroalkyl acrylate copolymer, and a crosslinking composition having a concentration ranging from about 0.60 to about 0.80 parts by weight for each part of the fluoroalkyl acrylate copolymer. Amended claim 86 includes, among other things, a chemical composition comprising a fluorochemical having a concentration ranging from about 4.5% to about 9% by weight of the chemical composition, a pore resistance composition having a concentration ranging from about 0.46 to about 0.65 parts by weight for each part of the fluorochemical, and a crosslinking composition having a concentration ranging from about 0.60 to about 0.80 parts by weight for each part of the fluorochemical. Amended claim 87 includes, among other things, a chemical composition

comprising a fluoroalkyl acrylate copolymer having a concentration ranging from about 4.5% to about 9% by weight of the chemical composition, a dispersed blocked polyurethane having a concentration ranging from about 0.46 to about 0.65 parts by weight for each part of the fluoroalkyl acrylate copolymer, and a crosslinking composition comprising an inorganic salt with a carboxylic acid and 2-imidazolidinone, the crosslinking composition having a concentration ranging from about 0.60 to about 0.80 parts by weight for each part of the fluoroalkyl acrylate copolymer.

Claims 8, 28 and 85-87 are patentable over Wang or Soane because neither of these references, either alone or in combination, shows or suggests using a chemical composition having the recited concentrations. Wang discloses, among other things, using a repellent fluorochemical compound with other repellent chemistry, such as a crosslinking component, but does not disclose in the specification the ranges of concentrations used, except in the specific Examples. See, e.g., paragraphs 0081-0083 and 0106-0108. In all of the Examples, however, Wang discloses using a fluorinated stain repellent having a concentration of 1%, 4.0% or 5% by weight with a cross-linking agent having various concentrations ranging from 0.25% up to 4.0%. See, e.g., Examples 1, 2, 8, 17, 19-24 and 27. Wang does not disclose, teach or suggest using a fluorochemical having a concentration of about 4.5% to about 9% by weight of the chemical composition *with* a pore resistance composition having a concentration ranging from about 0.46 to about 0.65 parts by weight for each part of the fluorochemical *and* a crosslinking composition having a concentration ranging from about 0.60 to about 0.80 parts by weight for each part of the fluorochemical. Similarly, Soane also does not disclose using a chemical composition having the recited concentrations. Accordingly, claims 8, 28 and 85-87, and all claims depending therefrom, are allowable in view of the cited art.

Claims 20 and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of Soane and further in view of U.S. Patent No. 3,029,164 issued to Seki et al. ("Seki"). Seki, however, does not disclose using a chemical composition having the recited concentrations. Since dependent claims 20 and 39 depend directly from independent claims 8 and 28, these claims contain all of the limitations of the independent claims from which they depend. Thus, these dependent claims are patentable over Wang, Soane or Seki, either alone or

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in combination, for at least the same reasons set forth above with respect to claims 8, 28 and 85-87.

Claims 21, 27, 40 and 46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of Soane and further in view of U.S. Patent No. 6,861,520 issued to Todd et al. ("Todd"). However, Todd does not disclose using a chemical composition having the recited concentrations. Since dependent claims 21, 27, 40 and 46 depend directly or indirectly from independent claims 8 and 28, these claims contain all of the limitations of the independent claims from which they depend. Therefore, these dependent claims are patentable over Wang, Soane or Todd, either alone or in combination, for at least the same reasons set forth above with respect to claims 8, 28 and 85-87.

Claims 25, 42, 44 and 90 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of Soane and further in view of U.S. Patent No. 6,245,693 issued to Gagliardi et al. ("Gagliardi") as evidenced by U.S. Patent No. 4,915,939 issued to Iwahashi ("Iwahashi"). Gagliardi does not disclose using a chemical composition having the recited concentrations. Moreover, Gagliardi is not directed to textiles. Thus, there is no suggestion or motivation to combine Gagliardi with Wang or Soane. Since dependent claims 25, 42, 44 and 90 depend directly or indirectly from independent claims 8, 28 and 87, these claims contain all of the limitations of the independent claims from which they depend. Therefore, these dependent claims are patentable over Wang, Soane or Gagliardi, either alone or in combination, for at least the same reasons set forth above with respect to claims 8, 28 and 85-87.

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CONCLUSION

Enclosed is a petition for a two month extension of time along with the required fee of \$450.00 as set forth in 37 C.F.R. §1.17(a)(2). Please apply any additional charges or credits to Deposit Account No. 19-4972.

All the claim rejections have been addressed and all of the pending claims are allowable for the reasons stated and others. Reconsideration of the application and issuance of a notice of allowance are respectfully requested.

Respectfully submitted,



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